

## Message Text

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PAGE 01 STATE 087449

15

ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 /060 R

DRAFTED BY EB/ OA/ AVP: WPCLAPPIN: JO

5/8/73 EXT. 20827

APPROVED BY EB/ TT: RJWALDMANN

CAB - MR. CHESEN ( SUBS)

L/ EB - FKWILLIS ( DRAFT)

L/ T - BEVANS ( DRAFT)

EB/ OA/ AVP - JASILBERSTEIN

----- 011222

R 082205 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

LIMITED OFFICIAL USE STATE 087449

E. O. 11652: N/ A

TAGS: ETRN, NL

SUBJECT: CIVAIR - CHARTER UNDERSTANDING

REF : ( A) STATE 63635 ( B) HAGUE 1962 ( C) HAGUE 1963

1. RE REFTEL B, DEPT VIEWS FOLLOW:

FIRST, SECOND AND THIRD UNNUMBERED PARAGRAPHS - CHANGES ACCEPTED. HOWEVER, SUGGEST WORD ORDER IN THIRD UNNUMBERED PARAGRAPH BE CHANGED TO FOLLOWING OR SIMILAR ARRANGEMENT FOR CLARITY: " THIS UNDERSTANDING MAY BE TERMINATED AT THE END OF ANY CALENDAR YEAR, PROVIDED AT LEAST THREE MONTHS PRIOR NOTICE HAVE BEEN GIVEN; OR AT SUCH TIME AS THIS UNDERSTANDING MAY BE SUPERSEDED BY A GENERAL AGREEMENT ON NON- SCHEDULED AIR SERVICES ( INCLUDING " ADVANCE CHARTER" TGCS/ ABCS). 1/ THIS UNDERSTANDING MAY ALSO BE TERMINATED IMMEDIATELY UPON NOTICE TO THE OTHER PARTY AT SUCH TIME AS THERE MAY BE NO AGREEMENT IN FORCE ON FARES AND RATES ON SCHEDULED AIR SERVICES BETWEEN THE LIMITED OFFICIAL USE

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UNITED STATES AND THE NETHERLANDS OR AT SUCH TIME AS EITHER PARTY TERMINATES OR ABANDONS THE ADVANCE CHARTER REGULATION WHICH WAS THE BASIS FOR ITS ENTRY INTO THIS UNDERSTANDING."

2. SUB PARA 4 - CHANGE ACCEPTED.

SUB PARA 5 - ALTERATIONS IN LANGUAGE ACCEPTED; HOWEVER, WE PREFER THAT PHRASE ".. TO THE MAXIMUM POSSIBLE EXTENT.." BE REPLACED BY ".. WITHIN THE LIMITS OF THEIR RESPECTIVE LAWS AND REGULATIONS.."

SUB PARA 7 - CHANGE ACCEPTED.

SUB PARA 11 - WE CHANGED ORIGINAL LANGUAGE THIS PARA TO THAT PROVIDED IN DEPT REFTEL BECAUSE AGREEMENT IS CONCERNED WITH CHARTERWORTHINESS AND NOT OPERATIONS. WE CONTINUE TO BELIEVE LANGUAGE THAT MIGHT SUGGEST UNDERSTANDING GOES BEYOND CHARTERWORTHINESS SHOULD BE AVOIDED. ACCORDINGLY WE PROPOSE FOLLOWING REFORMULATION OF PARA 11 WHICH TAKES THIS VIEW INTO ACCOUNT AND CLEARLY SPECIFIES THAT RULES OF ORIGIN DO NOT APPLY TO AFFINITY TRAFFIC: "(11) ACCEPT AS CHARTERWORTHY ANY BONA FIDE " PRIOR AFFINITY" CHARTER TRAFFIC CONFORMING TO ITS RULES DURING THE PERIOD OF VALIDITY OF THIS TYPE OF CHARTER."

3. SECTIONS II AND III: WE ACCEPT IN PRINCIPLE GON SUGGESTION THAT SECTION II AND III BE SIMPLIFIED. HOWEVER, DUTCH FORMULATION REFTEL B AGAIN SPEAKS OF " OPERATION OF FLIGHTS" WHICH SUGGESTS IN OUR VIEW AN ECONOMIC EXCHANGE IN MOU. WE WILLING TO ACCEPT GON LANGUAGE FOR PROPOSED PARA 12 TO REPLACE SECTIONS II AND III WITH FOLLOWING CHANGES:

REPLACE ".. TO AUTHORIZE.." WITH ".. TO ACCEPT AS CHARTERWORTHY.."

REPLACE ".. THE OPERATION OF FLIGHTS.." WITH ".. TRAFFIC.."

ADD " S" TO " ORIGINATE" AND " CONFORM".

4. PARA 9 OF REFTEL; SUGGESTIONS ARE ACCEPTED.

5. PARA 10 OF REFTEL; GON WILL RECALL THAT INCLUSION OF LIMITED OFFICIAL USE

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MENTION OF ITCS IN FOOTNOTE WAS SUBJECT OF LONG DISCUSSION IN DRAFTING ORIGINAL MOU. SINCE THIS ISSUE SENSITIVE ONE FOR US, LANGUAGE PROVIDED REFTEL A IS AS FAR AS CAB FEELS IT CAN GO IN THIS REGARD. WE, THEREFORE, CANNOT ACCEPT ADDITION OF " ON AND OFF ROUTE" AS PROPOSED BY GON- HOWEVER, THIS WOULD STILL BE MENTIONED IN GON NOTE AS PROPOSED REF C.

6. RE REFTEL C, TEXT OF EXCHANGE OF NOTES PROPOSED IS  
ACCEPTABLE.

7. IF REVISIONS PROPOSED ABOVE ACCEPTABLE TO GON,  
EMBASSY AUTHORIZED TO PROCEED WITH NOTE EXCHANGE. ROGER

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NMAFVVZCZ

\*\*\* Current Handling Restrictions \*\*\* n/a  
\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE  
@@@OASYS@@@<CONCATENATED>

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NMAFVVZCZ

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** <CONCATENATED>  
**Draft Date:** 08 MAY 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** WPCLAPPIN: JO  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
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**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 73 STATE 63635, 73 THE HAGUE 1962, 73 THE HAGUE 1963  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** garlanwa  
**Review Comment:** n/a  
**Review Content Flags:** ANOMALY  
**Review Date:** 19 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19-Sep-2001 by smithrj>; APPROVED <20-Nov-2001 by garlanwa>  
**Review Markings:**

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US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> mcm 971222  
**Subject:** CIVAIR -  
**TAGS:** ETRN, NL, ETRN  
**To:** THE HAGUE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005